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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AREVALO, JOSEPH

ART UNIT	PAPER NUMBER
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2617

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08/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,131	Applicant(s) VERMA ET AL.	
	Examiner JOSEPH AREVALO	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Action is in response to Applicant's amendment filed on 05/14/2009. Claims **1-25** are still pending in the present application. This Action is made **FINAL**.

Response to Arguments

2. Applicant's arguments with respect to claims **1 and 14** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

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and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a)

6. Claims **1-8, 13-20, and 25** are rejected under 35 U.S.C. 103(a) as being un-patentable over **Jawanda Patent NO.:** (US **6,243,581 B1**) in view of **Chuah** US Patent No.:(US **6,757,293 B1**).

For claims 1 and 14, **Jawanda** teaches the method and apparatus for supporting an interworking between a wireless local area network (WLAN) (**12 figure 1**) (**column 2 lines 42-47**) and a mobile communications network, the mobile communications network including a radio access network comprising a transceiver coupled to a radio network controller (**base station**)(**column 3 lines 5-14**), the radio network controller being coupled to a core network, the method comprising the steps of: providing an interworking function (IWF) (**36 figure 1**) (**column 3 lines 15-31**); and connecting the WLAN to the mobile communications network by employing the IWF as an auxiliary radio network controller (**30 figure 1**) associated with the mobile communications network (**column 3 lines 21-27**). However, **Jawanda** does not specifically disclose the disposed on the WLAN side of the mobile communication network **as recited in claims 1 and 14.**

Chuah from the same or similar fields of the endeavor teaches the disposed on the WLAN side of the mobile communication network (**column 1 lines 62-67 and column 2 lines 1-25**). Thus, it would have been obvious for the person of ordinary skill in the art at the time of the invention to use the disposed on the WLAN side of the mobile communication network as taught by **Chuah** into the method and system for seamless roaming between wireless communication networks with a mobile terminal of **Jawanda**.

The disposed on the WLAN side of the mobile communication network can be modify/implemented by combining the disposed on the WLAN side of the mobile communication network with the device. This process is implemented as a hardware solution or as firmware solutions of **Chuah** into the method and system for seamless roaming between wireless communication networks with a mobile terminal of **Jawanda**. As disclosed in **Chuah**, the motivation for the combination would be to apply a known technique to the Wlan which gives higher access rates combined with the UMTS that offers a better coverage. The

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combination yields in predictable results.

For claims **2, 4-8 16-19 and 20**, **Jawanda** discloses the method and apparatus in paragraph 2 of this office action as set forth in claims 1, 2, 4, 5, 7, 14, 16, 17 and 19. However, **Jawanda** does not specifically disclose the UMTS network and the IWF is employed as a drift radio network controller (DRNC) **as recited in claim 2**; the serving radio network controller (SRNC), and the user plane interface is disposed between the IWF and the SRNC **as recited in claims 4 and 16**; the Iur interface between the IWF and the SRNC **as recited in claims 5, 6, 17 and 18**; The method of splits a control between the mobile communications network **as recited in claims 7 and 19**; the transmission a radio link setup request from the SRNC to the IWF **as recited in claims 8 and 20**.

Chuah from the same or similar fields of the endeavor teaches the UMTS network and the IWF is employed as a drift radio network controller (DRNC) **(column 2 lines 13-25 as recited in claim 2)**; the serving radio network controller (SRNC), and the user plane interface is disposed between the IWF and the SRNC**(column 2 lines 13-25 as recited in claim 4 and 16)**; the Iur interface between the IWF and the SRNC **(as a definition Lur is one of the four interfaces connecting the UTRAN internally or externally to the other function entities. The other three are LU, Uu and Lub. The Lur connects two RNCs with each other) (figure 2) (column 4 lines 18-23 as recited in claims 5, 6, 17 and 18)**; The method of splits a control between the mobile communications network **(figure 2) (column 2 lines 30-38 as recited in claims 7 and 19)**; **Chuah** also teaches the transmission a radio link setup request from the SRNC to the IWF **(column 4 lines 38-48 as recited in claims 8 and 20)**. Thus, it would have been obvious for the person of ordinary skill in the art at the time of the invention to use the UMTS network and the IWF is employed as a drift radio network controller (DRNC); the serving radio network controller (SRNC), and the user plane interface is disposed between the IWF and the SRNC; the Iur interface between the IWF and the SRNC; method of splits a control between the mobile communications network; the transmission a radio link setup request from the SRNC to the IWF as taught by **Chuah** into the method and system for seamless roaming between wireless communication networks with a mobile terminal of **Jawanda**.

The UMTS network and the IWF is employed as a drift radio network controller

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(DRNC); the serving radio network controller (SRNC), and the user plane interface is disposed between the IWF and the SRNC; the Iur interface between the IWF and the SRNC; method of splits a control between the mobile communications network; the transmission a radio link setup request from the SRNC to the IWF as can be modify/implemented by combining the UMTS network and the IWF is employed as a drift radio network controller (DRNC); the serving radio network controller (SRNC), and the user plane interface is disposed between the IWF and the SRNC; the Iur interface between the IWF and the SRNC; method of splits a control between the mobile communications network; the transmission a radio link setup request from the SRNC to the IWF with the device. This process is implemented as a hardware solution or as firmware solutions of **Chuah** into the method and system for seamless roaming between wireless communication networks with a mobile terminal of **Jawanda**. As disclosed in **Chuah**, the motivation for the combination would be to apply a known technique to a known device ready for improvement to yield predictable results.

For claims 3 and 15, **Jawanda** teaches the method and the apparatus, wherein the connecting step connects the WLAN to the mobile communications network through a user plane interface (**96 figure 3**) (**column 4 lines 5-19**).

For claims 13 and 25, **Jawanda** teaches the method and the apparatus, further comprising the step of releasing data bearers of the mobile communications network when activity has ceased on data channels of the mobile communications network (**120 figure 4**)(**column 5 lines 20-42**).

7. Claims **9-12 and 21-24** are rejected under 35 U.S.C. 103(a) as being un-patentable over **Jawanda Patent NO.:** (US 6,243,581 B1) in view of **Chuah** US Patent No.:(US 6,757,293 B1) In further view of **Fodor** Patent Application **NO.:** (US 2001/0027490 A1).

For claims **9-12 and 21-24**, **Jawanda and Chuah** disclose the method and apparatus in paragraph 6 of this office action as set forth in claim 4, 8, 10, 16, 20 and 22. However, **Jawanda and Chuah** does not specifically disclose the RNC includes at least one of quality of service

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(QoS) parameters and a type of dedicated/common transport channel **as recited in claims 9 and 21**; the call admission control (CAC) by the IWF **as recited in claims 10 and 22**; the dedicated/common transport channel requested by the SRNC, and WLAN resources available in an access point (AP) to which a user equipment (UE) will attach **as recited in claims 11 and 23**; **Fodor** also teaches the serving general packet radio service (GPRS) support node (SGSN), a gateway general packet radio service (GPRS) support node (GGSN) **as recited in claim 12 and 24**, and a node B, and said method further comprises the steps of: forming a data path from a user equipment (UE) to the IWF to the SRNC to the SGSN to the GGSN **as recited in claim 12 and 24**; and forming a control path from the UE to the node B to the SRNC to the SGSN to the GGSN **as recited in claim 12 and 24**. **Fodor** from the same or similar fields of the endeavor teaches the RNC includes at least one of quality of service (QoS) parameters and a type of dedicated/common transport channel (**paragraphs [0146]-[0152] as recited in claims 9 and 21**); the call admission control (CAC) by the IWF(**paragraphs [0185] and [0192] as recited in claims 10 and 22**); the dedicated/common transport channel requested by the SRNC, and WLAN resources available in an access point (AP) to which a user equipment (UE) will attach(**paragraphs [0075] - [0078] as recited in claims 11 and 23**); **Fodor** also teaches the serving general packet radio service (GPRS) support node (SGSN), a gateway general packet radio service (GPRS) support node (GGSN) (**paragraphs [0024] - [0028] as recited in claims 12 and 24**), and a node B, and said method further comprises the steps of: forming a data path from a user equipment (UE) to the IWF to the SRNC to the SGSN to the GGSN (**paragraphs [0037] - [0039] as recited in claims 12 and 24**); and forming a control path from the UE to the node B to the SRNC to the SGSN to the GGSN(**paragraphs [0081] - [0085] as recited in claims 12 and 24**). Thus, it would have been obvious for the person of ordinary skill in the art at the time of the invention to use the RNC includes at least one of quality of service (QoS) parameters and a type of dedicated/common transport channel; the call admission control (CAC) by the IWF; the dedicated/common transport channel requested by the SRNC, and WLAN resources available in an access point (AP) to which a user equipment (UE) will attach; **Fodor** also teaches the serving general packet radio service (GPRS) support node (SGSN), a gateway general packet radio service (GPRS) support node (GGSN), and a node B, and said method further comprises the steps of: forming a data path from a user equipment (UE) to the IWF to the

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SRNC to the SGSN to the GGSN; and forming a control path from the UE to the node B to the SRNC to the SGSN to the GGSN as taught by **Fodor** into the method and system for seamless roaming between wireless communication networks with a mobile terminal of **Jawanda and Chuah**.

The RNC includes at least one of quality of service (QoS) parameters and a type of dedicated/common transport channel; the call admission control (CAC) by the IWF **as recited in claim 10**; the dedicated/common transport channel requested by the SRNC, and WLAN resources available in an access point (AP) to which a user equipment (UE) will attach; **Fodor** also teaches the serving general packet radio service (GPRS) support node (SGSN), a gateway general packet radio service (GPRS) support node (GGSN), and a node B, and said method further comprises the steps of: forming a data path from a user equipment (UE) to the IWF to the SRNC to the SGSN to the GGSN; and forming a control path from the UE to the node B to the SRNC to the SGSN to the GGSN can be modify/implemented by combining the RNC includes at least one of quality of service (QoS) parameters and a type of dedicated/common transport channel; the call admission control (CAC) by the IWF **as recited in claim 10**; the dedicated/common transport channel requested by the SRNC, and WLAN resources available in an access point (AP) to which a user equipment (UE) will attach; **Fodor** also teaches the serving general packet radio service (GPRS) support node (SGSN), a gateway general packet radio service (GPRS) support node (GGSN), and a node B, and said method further comprises the steps of: forming a data path from a user equipment (UE) to the IWF to the SRNC to the SGSN to the GGSN; and forming a control path from the UE to the node B to the SRNC to the SGSN to the GGSN with the device. This process is implemented as a hardware solution or as firmware solutions of **Fodor** into the method and system for seamless roaming between wireless communication networks with a mobile terminal of **Jawanda and Chuah**. As disclosed in **Fodor**, the motivation for the combination would be to apply a known technique to a known device ready for improvement to yield predictable results.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH AREVALO whose telephone number is **(571)-270-3121**. The examiner can normally be reached on Monday through Friday 8:00AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on **(571)-272-7915**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOSEPH AREVALO/
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617